

REMARKS

Claims 1-14 remain herein. Claims 15 and 16 have been added.

1. The specification was objected to for a grammatical error. The specification has been amended to moot the objection. Withdrawal of the objection is respectfully requested.

2. The Abstract was objected to for having multiple paragraphs. It has been amended to moot the objection.

3. Claims 1-14 were objected to for grammatical errors. Claims 1-14 have been amended to moot the objection. Withdrawal of the objection is respectfully requested.

4. Claim 10 was rejected under 35 U.S.C. § 112, first paragraph. Claim 10 has been amended to clarify the invention. It describes control action symbols that change as the control action is being carried out. Support for the changing symbols can be found in the specification, for example, at p. 8, lines 20-21 (the visual appearance of the line changes when selected); p. 9, lines 2-10 (the visual appearance of the control action symbols change when selected); and p. 16, steps 3 and 5 (the action symbol indicates that an increment/decrement is taking place). Reconsideration and withdrawal of this rejection are respectfully requested.

5. Claims 1-7 and 11-12 were rejected under 35 U.S.C. § 103(a) over Varone et al. U.S. Patent Application Publication 2003/0114942 and Shteyn U.S. Patent 6,434,447 B1.

Varone discloses a portable display unit comprising a display, arrow buttons for navigating menus, an “Enter” button for making selections in menus, and function buttons such as “Home”, “Back”, and “Help”. Varone does not disclose a line on a display that defines two Boolean control actions applicable to at least one device of a system, the line comprising two corresponding Boolean control action symbols representing said Boolean control actions, and two function keys, one on the left and one on the right side of the display, corresponding to the Boolean control action symbols, the function key on the left side of the display for selecting one Boolean control action and the function key on the right side of the display is for selecting another Boolean control action corresponding to said line, as recited in applicants’ claim 1.

Nor does Shteyn disclose what Varone lacks. Shteyn discloses an information processing system with an electronic device and a controller. The controller displays an abstract representation of the functions of the electronic device, and a user interacts with the display to control the electronic device. But Shteyn fails to disclose the aforementioned elements recited in applicants’ claim 1.

Thus, Varone and Shteyn combined fail to disclose every element of applicants’ claim 1. Nor would it be obvious to one of ordinary skill in the art to combine Varone and Shteyn to render claim 1 obvious.

The Office Action stated that it would have been an obvious matter of design choice to arrange the components or functions of Varone’s apparatus on the right or left side of the device. (citing *In re Japikse*, 86 U.S.P.Q. 70 (CCPA 1950)). But, *Japikse* is inapplicable here. In *Japikse*, the CCPA upheld the PTO’s rejection of a claim involving a hydraulic press, where the only difference between the prior art and the claimed apparatus was the location of a starting

switch. The PTO held that changing the location of the starting switch did not change the operation of the device.

Unlike *Japikse*, Varone and the presently claimed apparatus operate differently. The arrow keys in Varone highlight items which are then manipulated by the “Enter” button. But the left and right function keys of the claimed apparatus manipulate states of an automation device. Thus, even if Varone changed the position of various keys, those keys are not performing the same functions as those in applicants’ claim 1.

Furthermore, the Board of Patent Appeals and Interferences has held that “the mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant’s specification, to make the necessary changes in the reference device.” *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984) (*see* MPEP 2144.04, sec. VI(C)). Here, absent applicants’ specification, there is no demonstrated motivation to modify Varone to render applicants’ claim 1 obvious.

Because Varone and Shteyn fail to disclose every element of applicants’ claim 1; since Varone and applicants’ claimed apparatus operate differently, and applicants’ invention is not merely a rearrangement of parts; since Varone contains no suggestion to rearrange its function keys as recited in applicants’ claim 1; and since neither Varone nor Shteyn provides any motivation to combine them to render obvious applicants’ claim 1, applicants’ claim 1 and its dependent claims are not obvious over Varone and Shteyn. Applicants respectfully request reconsideration and withdrawal of this rejection.

6. Claims 8-10, 13 and 14 were rejected under 35 U.S.C. § 103(a) over Varone, Shteyn, and Rakoff U.S. Patent 5,886,894. For the reasons stated above, claim 1 and its dependent claims are not obvious over Varone and Shteyn. Rakoff does not supply what Varone and Shteyn lack. Rakoff discloses a security or automation system in which a master interface unit receives data from, and controls, a number of application units. Rakoff fails to disclose a line on a display that defines two Boolean control actions applicable to at least one device of a system, the line comprising two corresponding Boolean control action symbols representing said Boolean control actions, and two function keys, one on the left and one on the right side of the display, corresponding to the Boolean control action symbols, the function key on the left side of the display for selecting one Boolean control action and the function key on the right side of the display is for selecting another Boolean control action corresponding to said line, as recited in applicants' claim 1 and therefore dependent claims 8-10 and 13.

Thus, Varone, Shteyn, and Rakoff do not disclose every element of applicants' dependent claims 8-10 and 13. Nor would it be obvious to one of ordinary skill in the art to combine Varone, Shteyn, and Rakoff to render applicants' claims 8-10 and 13 obvious. Since claims 8-10 and 13 are not obvious over Varone, Shteyn, and Rakoff, applicants respectfully request reconsideration and withdrawal of this rejection.

7. Claim 14 was rejected under 35 U.S.C. § 103(a) over Varone, Shteyn, and Rakoff. Claim 14 contains identical language to claim 1, but further comprises increment/decrement control actions. For the reasons stated above regarding claim 1, claim 14 is not obvious over

Varone, Shteyn, and Rakoff. Reconsideration and withdrawal of this rejected are respectfully requested.

For the foregoing reasons, all claims 1-15 are now fully in condition for allowance, which is respectfully requested. The PTO is hereby authorized to charge or credit any necessary fees to Deposit Account No. 19-4293. Should the Examiner deem that any further amendments would be desirable in placing this application in even better condition for issue, he is invited to telephone Applicant's undersigned representative.

Respectfully submitted,



Roger W. Parkhurst
Reg. No. 25,177
Adam C. Ellsworth
Reg. No. 55,152

Date: May 9, 2007

New Attorney Docket No.: 28954.2037

STEPTOE & JOHNSON LLP
1330 Connecticut Ave., N.W.
Washington, D.C. 20036
Tel: (202) 429-3000
Fax: (202) 429-3902